

## WHAT'S IN A NAME?

Let's talk about fictitious names. A fictitious name, also known as a DBA or doing business as name, is one which differs **in any way** from the agency's full legal name. The below image has been copied from the Missouri Secretary of State's website and explains "fictitious name."

### BUSINESS NAMES

#### 1. What is a "fictitious name?"

A **fictitious name** is a name under which any person shall do or transact any business in this state which is other than the true name of such person. A **fictitious name** is commonly referred to as a "DBA," an acronym for "doing business as." Filing a **fictitious name** registration does not afford or secure any exclusive rights to the name.

#### 2. Who has to file a fictitious name registration?

Any person or entity which is doing business under a name other than its true name must register that **fictitious name**. For instance, if John Doe is doing business under the name "John's Lemonade Stand," John Doe must register the **fictitious name** "John's Lemonade Stand." If the corporation known as Missouri Lemonade Manufacturing, Inc., is doing business under the name "Missouri Lemonade," it must register the **fictitious name** "Missouri Lemonade."

What this means is that if an agency's legal name is ABC Home Health, Inc. and it's operating as ABC Home Health, without the word "Inc.," then it needs to have a fictitious name filed with the Missouri Secretary of State's office. Yes, something as simple as not including the word "Corp.," "LLC" or "Inc." in a business name requires the registration of a fictitious name.

It goes without saying that an agency whose name bears no resemblance at all to its legal name also must file a DBA.

Additionally, a corporation may own 1 or more agencies in Missouri and share the same legal name as well as DBA name, in which case each individual provider number must have a fictitious name registered with its unique physical address. For example, a corporation that we'll name Generic Home Health Management operates several agencies in Missouri under the name XYZ Home Health. Each of those agencies must have a fictitious name filed.

This brings me to my next topic: How to Fill Out a Fictitious Name Registration. The image below is taken from the actual fictitious name registration form. Note that it shows the business name and the business address. This is where the agency's fictitious name (DBA) and physical address appear. This is **not** the corporate address and should **never** be an out-of-state address. The owner's information, be it corporate or individual, will appear below the DBA information. Finally, branches and satellite offices don't need fictitious names filed, only the parent office does.

To file a fictitious name or have one corrected/amended, visit the Secretary of State's website and view your agency's filings at this link: <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx>. To file a fictitious name, search first for the agency's legal name. From there you can file a fictitious name. If you have any questions about this process, call Betsy Dearixon in the Bureau of Home Care and Rehabilitative Standards at 573/751-6336 to help you.

### Registration of Fictitious Name

This fictitious name filing shall expire 5 years from the date filed unless a renewal filing is submitted within 6 months prior to the expiration date.

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. (Chapter 417, RSMo)

**The undersigned is doing business under the following name, and at the following address:**

Business name to be registered: **XYZ Home Health**  
Business address: **111 Main Street**  
City, State and Zip Code: **Any Town, MO 60000**

If all parties are jointly and severally liable, percentage of ownership need not be listed.

Name of Owners, Individual or Business Entity	Street and Number	City and State	Zip Code	If listed, Percentage of ownership must equal 100%
Generic Home Health Management	3333 Oak Street	Somewhere OR	40000	100%